IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CENTRAL EXCISE & CUSTOMS GOLD CONTROL AP No 38 of 2002

with

CIVIL APPLICATION No 31 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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DISCO GARMENTS PVT. LTD.

Versus

COMMMISSSIONER OF CUSTROMS & CENTRAL EXCISE

Appearance:

1. CENTRAL EXCISE & CUSTOMS GOLD CONTROL AP No. 38 of 2002
Mr. Kamal Trivedi, Sr. Advocate with
MR PARESH M DAVE for Petitioner No. 1-2
Ms. Manisha Lovekumar, Addl. Standing Counsel
for the Central Government for the Respondent.

CORAM : MR.JUSTICE R.K.ABICHANDANI
and

MR.JUSTICE KUNDAN SINGH

Date of decision: 02/05/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

Rule. Learned Additional Standing Counsel for the Central Government waives service of Rule for the respondent. We have heard both the sides. In our opinion, the following substantial question of law arises from the order of the Tribunal.

"Is the Tribunal justified in taking weight of the raw material (fabric) allowed for import for deciding whether such imported fabric was used in the making of the export product (shirts and trousers) when length and width of cloth was prescribed as the basis of input-output norms in Appendix 13-C (items 28 and 35) of the Import Export Policy of April, 1990 to March, 1993 ?"

The Tribunal is directed to forward the statement of cases in respect of the aforesaid question. This application stands disposed of accordingly. Rule is made absolute with no order as to costs.

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